

December 30, 2008

Mr. Doug Ito
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Subject: GDC Comments on the CEQA Threshold Guidelines Process: Backup Documentation Must be Released with Sufficient Time to Review Prior to Comment Deadline

Dear Mr. Ito:

Since June 2008, ENVIRON has represented the Green Developer's Coalition (GDC) on the South Coast Air Quality Management District (SCAQMD) California Environmental Quality Act (CEQA) Greenhouse Gas (GHG) threshold working group. The GDC consists of a group of developers that believe that large master planned communities can balance employment, housing, and shopping for new population centers, and can help meet California's sustainability and GHG emissions goals.

ENVIRON is again submitting comments on the California Air Resources Board's (ARB's) process to develop Greenhouse Gas Thresholds of Significance under CEQA on the behalf of the GDC member companies.

The GHG Thresholds of Significance will have tremendous impact on the CEQA process in California. Although they are only advisory, they will likely be adopted or used by many, if not most, lead agencies in California for residential and commercial projects. Accordingly, they should be developed in a thoughtful and reasoned manner, where stakeholder input is solicited and considered. The revised timeline that ARB is proposing does not allow for meaningful public comment or for a reasonable review process to occur.

An outline of the proposed standards and measures was released to the public an hour before its presentation at 2PM on December 9th. No supporting documentation was released with this material, and only a small amount of supporting detail was discussed during the public workshop. ARB has asked for comments by December 16th, only 7 days after the December 9th presentation, and three days before the supporting data is released on December 19th, along with a new draft proposal.

On December 11th, ARB released a notice delaying the close of the comment period until January 9th. No indication was given at that time that the supporting data would not be released as previously scheduled, on December 19th, giving those wishing to provide comments three weeks (although over the holidays) to review the supporting material before comments were due.

On December 19th, ARB released another notice, stating that, "[S]taff continues to evaluate the framework and supporting analysis. We will provide additional work products, reschedule the workshop, and request an additional round of comments in mid-January." In response to an email, ARB staff stated that there was no new target date for the release of supporting documentation, and that it would likely not be released prior to the new due date for comments, January 9th.

Again, we wish to note that it is unreasonable to expect meaningful comments from stakeholders without supporting documentation. The comment period must be extended to allow enough time for stakeholders to provide informed and constructive comments to the ARB recommended performance standards based on a comprehensive review of supporting documents. As such, the GDC requests that ARB release supporting documentation, and then allow no less than 30 days after the release of this documentation for comments.

Closing

We appreciate the time pressures that ARB feels itself under. However, we urge ARB to consider the import of this action and allow a reasoned discussion, based on a review of the supporting documentation to take place.

We appreciate the opportunity to comment on the process involved in the development of the CEQA Thresholds of Significance, and look forward to ARB's favorable response.

Sincerely,



Shari Beth Libicki, PhD
Global Air Quality Practice Area Leader

cc: Kurt Kaperos
Mary Nichols